7. (Amended) The platen press device of claim 6, further comprising:

a backshaft having at least one offset bearing journal extending from one end, the bearing journal being connected to the glider and the backshaft being connected to the at least one platen; and

wherein a position of the at least one platen is variable by rotation of the backshaft about a centerline of the offset bearing journal.

REMARKS

Claims 1-15 are pending in the present application. The January 29, 2003 Office Action withdrew claims 9-15 from further consideration as being drawn to a nonelected invention. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "142" has been used to designate both arms and gliders. The Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Additionally, claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,167,750 to Myers. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view of United States Patent No. 5,147,496 to Hix. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

Restriction Requirement

Claims 9-15 have been withdrawn from further consideration as being drawn to a nonelected invention. Applicants' election of Group I, claims 1-8, was with traverse. However, Applicants have canceled claims 9-15 without prejudice.

Drawings Objection

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference "142" has been used to designate both arms (pg. 10, lines 15, 16, 17) and gliders (pgs. 6, 7, 8). In response to this rejection, Applicants have

amended the page 10, lines 13-18 of the specification to recite the accurate reference numbers for the arms of the present invention. Applicants assert that in view of the correction to the specification which adds no new matter, no drawing change is necessary.

§112 Rejections

Claims 1-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection. In relation to the rejection under §112, it is stated that claim 1 is indefinite because it is unclear if the drive mechanism and the driven biasing member are both linked to the same or different platens and because claim 1 as written is readable on more than one embodiment, but only one embodiment is disclosed. To the best of Applicants' knowledge, there is no requirement that the specification disclose every possible embodiment covered by the claims. Regardless, in this instance, the specification does disclose alternative links for the drive mechanism and the driven member.

For example, Applicants respectfully request the Examiner's attention to page 9, lines 17-20 of the specification, which recite that "the driving mechanism is linked either directly or indirectly to at least one of the platens 108 and 110, and the one or more driven bias members are also linked either directly or indirectly to at least one of the platens" and to lines 5-7, which recite that "the arms 112 and 134 could be rigidly connected to the second platen 110 and the driven bias members could be used to connect the first platen 108 to the press base 102." Thus, the drive mechanism and the driven biasing member, in one embodiment, may be linked to the same platen, as shown in the drawings, and in another alternative, the drive mechanism and the driven biasing member may be linked to different platens. Claim 1 is crafted to cover at least both of these alternative embodiments.

Further, Applicants respectfully request the Examiner's attention to page 9, lines 6-8 of the specification stating that "a fluid-driven bias member may be linked to one platen 108 and the press base 102, and a second fluid-driven bias member may be linked to the other platen 110 and the arm 112." The specification establishes that the drive

mechanism and the driven biasing member, in one embodiment, may be linked to only one of the platens as shown in the drawings, or in the alternative, the drive mechanism and the driven biasing member may be attached to both of the platens. Again, claim 1 is crafted to cover at least both of these alternative embodiments, and Applicants assert that claim 1 is not indefinite in that it covers these various alternative embodiments. As noted in the MPEP 2173.04, "[b]readth of a claim is not to be equated with indefiniteness."

Claim 6 is rejected for a lack of antecedent basis for "the piston". In response to this rejection, Applicants have amended Claim 6 to correct the lack of antecedent basis by replacing "the piston" with "the dwell spacer".

Claim 7 stands rejected under 35 U.S.C. § 112 because claim 7 recites that the backshaft is connected to at least one platen, but Figs. 1 and 2 disclose the backshaft having ends connected between the gliders. Applicants respectfully request the Examiner's attention to page 10, lines 19-29 of the specification, which recite that the backshaft 124 is fixed within the platen arm 104, which is attached to the second platen 110. The backshaft 124 links the gliders 114 and 142 to the platen arms 104 and 140. Therefore, the specification establishes that the backshaft is connected to at least one of the platens.

Although not specifically discussed in the § 112 rejection, Applicants have amended claims 3 and 7 to further clarify the invention. The amendments to these claims are intended only for the purposes of clarification and are not intended to limit the scope of these claims.

§102 & §103 Rejections

Additionally, the claims 1-7 stand rejected under 35 U.S.C. § 102 as being anticipated by Myers. Applicants assume the Examiner is referencing U.S. Patent No. 5,167,750. Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Myers 5,167,750 in view of United States Patent No. 5,147,496 to Hix. Applicants have amended claims 1, 3, 6, and 7 to further clarify the subject matter being claimed and assert that all claims as amended are patentable over the cited references. Applicants traverse these § 102 and 103 rejections to claims 1-8.

§102 Rejections

As amended, claim 1 recites that a platen press device comprises a driven biasing member that increases an impression force between the first and second platens. Myers does not teach or suggest a platen press devise comprising a driven biasing member that increases an impression force between the first and second platens. Myers is concerned with a heat sealing machine comprising tension springs 40 and 42 that urge upward movement of the upper platen to counterbalance some of the weight of the upper platen to relieve fatigue of the operator and to insure that the upper platen is held in its open position. Thus, the biasing force of the springs disclosed by Myers is used to separate the upper platen from the lower platen instead of forcing the upper platen against the lower platen which teaches away from the invention of claim 1. Specifically, as the first lever arms means 28 and the upper platen 24 of Myers are lowered toward the lower platen 18, the springs 40 and 42 begin to extend and resist the platens from coming into contact. At the moment the upper platen contacts the lower platen, the biasing force of the springs is forcing the first lever arm means and upper platen away from the lower platen. These springs 40 and 42 are present to assist the user in raising the upper platen and the first lever arm means to separate the platens to relieve user fatigue and to insure the upper platen is held in its open position (see column 3, lines 15-19).

In contrast, the driven biasing member recited in claim 1 increases an impression force between the two platens which forces them together rather than apart. The biasing force created by the springs disclosed in Myers is continuously urging the first lever arm means and upper platen upward away from the lower platen rather than increasing an impression force with a driven biasing member as recited in claim 1. For at least these reasons, claim 1 is allowable over Myers. Since claims 2-8 depend from claim 1 and recite additional features, Applicants respectfully submit that Myers does not anticipate nor render obvious Applicants' claimed invention as embodied in claims 2-8 for at least these reasons.

§103 Rejection Over Myers In View of Hix

Claim 8 stands rejected as being obvious over Myers in view of Hix. As discussed above, Myers fails to teach a driven biasing member that increases the

impression force between the platens and instead teaches away by providing springs positioned to urge the upper platen upwards away from the lower platen. Hix also fails to teach the hydraulic cylinder 90 increasing the impression force between platens because the hydraulic cylinder 90 is said to urge clockwise rotation of toggle box 34 (Fig. 3) which separates the two platens rather than increasing the impression force between them. Accordingly, claim 8 is allowable is allowable over Myers in view of Hix for at least these additional reasons.

CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-8 are in condition for allowance, and the Applicants respectfully request that the Examiner pass this application with claims 1-8 to allowance. Additionally, there may be reasons that the claimed invention is patentably distinct from the cited references in addition to those raised in the above remarks. Applicants reserve the right to raise any such reasons or arguments in the future. Should the Examiner have any questions, please contact Applicant's undersigned attorney at 404.954.5040.

Respectfully submitted,

MERCHANT & GOULD, LLC

Date: April 29, 2003

Jeramie J. Keys
Reg. No. 42,724

MERCHANT & GOULD, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
(404) 954-5040

Version with Markings for Specification Amendments

Please replace the paragraph on page 10, lines 13-18 with the following replacement paragraph:

The rigid arms 112 and [142] 134 are manufactured to have a tensile strength that exceeds the peak impression force that must be created for proper foil embossing. Once the platens 108 and 110 have established contact, the rigid arms 112 and [142] 134 begin to experience tensile force which increases as motion of the arms 112 and [142] 134 continues. The impression force increases as the arms 112 and [142] 134 continue to move in opposition to the force from the springs 146, 148, 164, and 166.

Version with Markings for Claim Amendments

1. (Amended) A platen press device comprising:

first and second platens forming a press;

a drive mechanism linked to at least one of the platens;

a driven biasing member linked to at least one of the platens, wherein the driven biasing member increases an impression force between the first and second platens; and

a tensioner linked to the driven biasing member.

3. (Amended) The platen press of claim 2, wherein a portion of the driven biasing member is rigidly connected to the second platen, and wherein [a] the portion of the driven biasing member moves with respect to the arm once the first and second platens establish contact.

6. (Amended) The platen press of claim 5, wherein the spring driven biasing member further comprises a glider slidably engaging the arm and fixed to the [piston] dwell spacer and at least one of the platens, and wherein the tensioner comprises a stud affixed to the glider an a nut threadedly engaging the stud and abutting the arm.

7. (Amended) The platen press device of claim 6, further comprising:

a backshaft having at least one offset bearing journal extending from one end, the bearing journal being connected to the glider and the backshaft being connected to the at least one platen; and

wherein [the] a position of the at least one platen is variable by rotation of the backshaft about [the] a centerline of the offset bearing journal.